

claims are limited to methods and compositions wherein the structurally depicted isomer of formula (IV) is "substantially free of the enantiomer of said compound." Such a limitation is not found in the claims of the prior patents, and consequently the §101 double patenting rejection cannot stand. Applicants respectfully request, therefore, that the Examiner withdraw this basis for rejection.

Claims 24-45 have also been rejected under the judicially created doctrine of obviousness-type double patenting and under 35 USC § 112, first paragraph. With respect to the obviousness-type double patenting rejection, applicants have filed herewith a terminal disclaimer to obviate the basis for the rejection. Applicants recognize, of course, that the Examiner has not yet indicated that the pending claims are otherwise allowable. Nevertheless, confident that the amended claims will be found allowable, applicants are submitting the disclaimer now to expedite the prosecution.

In view of the foregoing, applicants respectfully request a favorable Office Action finding all claims allowable. If the Examiner has any questions concerning the foregoing, he should contact the undersigned at (817) 551-4322.

Respectfully submitted,

ALCON LABORATORIES, INC.

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By:


Barry L. Copeland
Reg. No. 34,801

ADDRESS FOR CORRESPONDENCE:
Barry L. Copeland [Mail Code Q-148]
Intellectual Property Law & R&D Counsel
ALCON LABORATORIES, INC.
6201 South Freeway
Fort Worth, Texas 76134-2099
Phone: (817) 551-4322
Attorney Docket No.: 1407B